

THE VICTIMS' VOICE

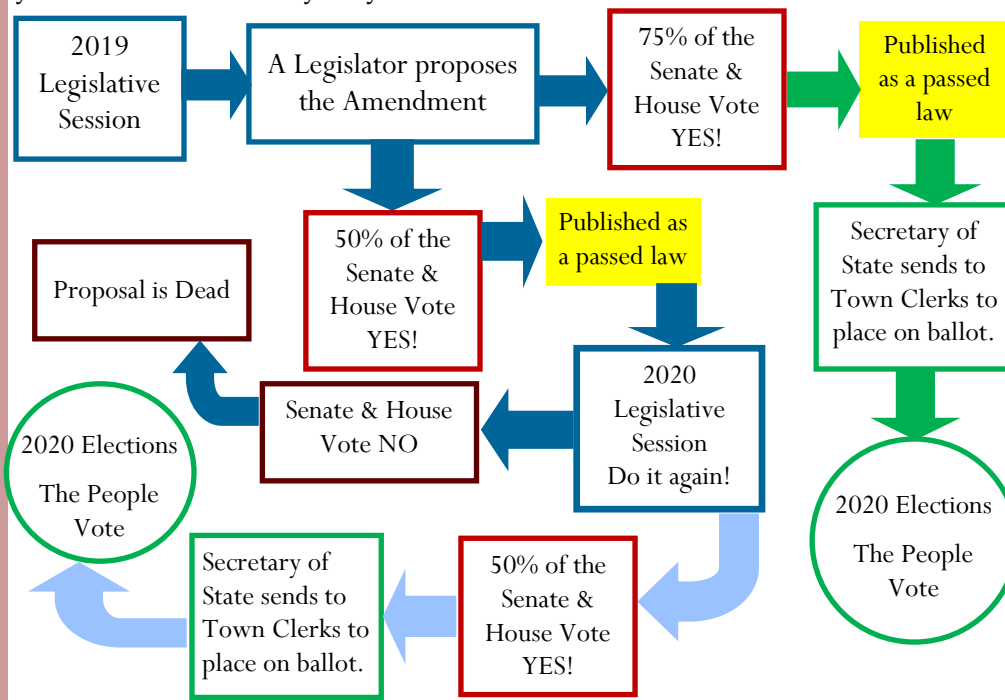
Winter 2019 Newsletter



ADVOCATES CORNER



Four years ago, the Victim Rights Enforcement Advisory Commission (VREAC) was tasked with reviewing the current state of crime victim's rights and services in the state. VREAC presented several statutory and administrative changes to uphold victims' rights and services to Governor Malloy and the Legislature. The recent laws that strengthen notification and restitution laws are a direct result of VREAC's recommendations and the OVA's continued work on these issues. However, the main issue for the body –ENFORCEMENT– was put on the back burner because it required a Constitutional Amendment – a lengthy political process. After a few years of tweaking the system to address violations of victims' rights, I believe it's time to take action and do what needs to be done. It will be a lengthy political process – at least two years - but it is the only way it can be done.



QUESTIONS?
CONTACT OUR OFFICE

TOLL FREE
1-88-771-3126

VISIT US ONLINE
WWW.CT.GOV/OVA



Inside this issue:

National Crime Victims Rights Week 2019

Human Trafficking

Upcoming Events

*New Laws in Effective
October 2018 & January
2019*

2019 Legislative Session

2019 National Crime Victims' Rights Week

Every April, the federal Office for Victims of Crime observes National Crime Victims' Rights Week (NCVRW). The weeklong initiative promotes victims' rights and honors crime victims and those who advocate on their behalf.

This year, NCVRW will be observed April 7-13, 2019 with the theme of *Honoring Our Past. Creating Hope for the Future.*

The Office of the Victim Advocate will host its Victim Rights Symposium on Wednesday, April 10, 2019 in Cromwell, CT.

More information regarding registration will be released early February. Visit www.ct.gov/ova for more details and other events.



CLS JOINS THE FIGHT AGAINST HUMAN TRAFFICKING



Connecticut Legal Services (CLS) is a nonprofit law firm that offers free legal assistance and advocacy to help vulnera-

ble people meet their basic needs and escape poverty. CLS now offers services to victims of human trafficking in civil matters.

Human trafficking is the sex and/or labor trafficking of individuals. Connecticut was identified as one of the nation's highest-prevalence zones for human trafficking, due to its location between New York and Boston (Polaris Project). In 2017, the Department of Children and Families identified 212 children who were suspected of being victims of trafficking (CLS.org).

CLS believes that civil legal aid can be part of the solution. Victims of trafficking often need multiple services and CLS can offer that help. Any adult or child living in the state of Connecticut is eligible for these services.

**For more information contact the:
Human Trafficking Hotline at CT Legal Services
by calling 203-388-1720**

Upcoming Events

SAVE THE
DATE!

January 16, 2019

The Amendment Viewing
State Capitol 1p.m.

To register visit: www.ct.gov/ova

April 7-13, 2019

National Crime Victims' Rights Week

April 10, 2019

OVA Victims Rights
Symposium

April 11, 2019

Melanie Ilene Rieger Symposium
Southern CT State University Adanti
Student Center Ballroom
501 Crescent St. New Haven, CT
6:30 p.m.

New Laws Effective October 2018

[Public Act No. 18-3](#)

AN ACT CONCERNING A MOTOR VEHICLE ACCIDENT REPORT FOR AN ACCIDENT IN WHICH A PERSON WAS KILLED.

[Public Act No. 18-29](#)

AN ACT CONCERNING BUMP STOCKS AND OTHER MEANS OF ENHANCING THE RATE OF FIRE OF A FIREARM. (SEE SEC. 1)

[Public Act No. 18-56](#)

AN ACT CONCERNING SERVICE OF CIVIL PROCESS ON A MOTOR VEHICLE OPERATOR OR THE OWNER OF A MOTOR VEHICLE OR THE OWNER OF A MOTOR VEHICLE.

[Public Act No. 18-61](#)

AN ACT CONCERNING NEWLY DISCOVERED EVIDENCE.

[Public Act No. 18-63](#)

AN ACT CONCERNING SPECIAL PAROLE FOR HIGH-RISK, VIOLENT AND SEXUAL OFFENDERS.

[Public Act No. 18-75](#)

AN ACT CONCERNING COURT OPERATIONS. (SEE SEC. 4, 15-17, 19)

[Public Act No. 18-78](#)

AN ACT CONCERNING RACIAL AND ETHNIC IMPACT STATEMENTS.

[Public Act No. 18-86](#)

AN ACT CONCERNING WHITING FORENSIC HOSPITAL AND CONNECTICUT VALLEY HOSPITAL. (SEE SEC. 2-3)

[Public Act No. 18-90](#)

AN ACT CONCERNING SECURITY FREEZES ON CREDIT REPORTS, IDENTITY THEFT PREVENTION SERVICES AND REGULATIONS OF CREDIT RATING AGENCIES.

[Public Act No. 18-128](#)

AN ACT CONCERNING VICTIM'S RIGHTS AND RESTITUTION.

[Public Act No. 18-134](#)

AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT TO STAND TRIAL.

Effective January 2019

[Public Act No. 18-5](#)

AN ACT CONCERNING DUAL ARRESTS AND THE TRAINING REQUIRED FOR LAW ENFORCEMENT PERSONNEL WITH RESPECT TO DOMESTIC VIOLENCE.

The bill defines "dominant aggressor" for purposes of crimes involving family violence. The bill modifies the current mandatory arrest law and allows police to depart from the mandatory arrest law when the police have identified the dominant aggressor in the incident. The bill discourages, but does not prohibit when appropriate, a dual arrest.

****The links provided in the electronic version of this document are hyperlinks and will direct readers to the language provided on the CT General Assembly Website.***

2019 Legislative Session



This section highlights the OVA's legislative agenda for the upcoming legislative session.

ENFORCEMENT FOR VIOLATIONS OF CRIME VICTIMS' RIGHTS

Constitutional Right:

The general assembly shall provide by law for the enforcement of crime victims' constitutional rights.

The Problem:

When a victim's rights are violated, there is no appellate relief available to the victim because the following language is also written into the Crime Victims' Rights Amendment: "Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case." The Connecticut Supreme Court ruled in *State v. Skipwith*, 165 A.3d 1211 (Conn. 2017), that although the victim's rights were clearly violated, there was no available remedy. The Court advised the Legislature and the Rules Committee of the Superior Court to address the matter, with Justice McDonald stating:

This case provides a stark reminder that a constitutional right, unadorned by a remedy to enforce or vindicate that right, is a hollow one. Indeed, a victim of crime who is denied her constitutional rights by a prosecutor or the court is, in a very real sense, victimized all over again. Without understating the significance of the primary victimization, this second victimization may be in some ways more odious because it is inflicted upon her by the levers and gears of the judicial system itself, the very institutional mechanism she—and all people in civilized society—relies on to have her offender held to account. We as a state must do better than this.

The Solution:

Although the Legislature has the authority to provide enforcement mechanisms, such mechanisms will be barred due to the restrictive language in the Amendment. The OVA recommends that enforcement mechanisms be established by 1) eliminating the barring language via a Constitutional amendment, and 2) enactment of enforcement legislation.

CRIME VICTIMS' PARTICIPATORY RIGHTS IN A VIOLATION OF PROBATION PROCEEDING

Constitutional Rights:

- 1) The right to attend the trial and all other court proceedings the accused has the right to attend;
- 2) The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law.

The Problem:

Violation of probation (VOP) hearings are technically an extension of the sentencing, yet victims do not always have participatory rights at said hearings. If the VOP is a new crime (i.e., violation of a standing criminal protective order), the victim's participatory right attaches to the new criminal case. If the VOP does not involve a new criminal matter (e.g. a violation for nonpayment of restitution), the violation is addressed as a civil matter and the victim has no statutory right to act unless they have a civil order for restitution. However, a victim cannot obtain a civil order of restitution while the criminal case is still pending.

The Solution:

Uphold victims' constitutional rights by amending C.G.S. §53a-32 to afford crime victims the same participatory rights that are granted in the early termination of probation statute C.G.S. § 53a-29.

IDENTITY THEFT VICTIMS' ACCESS TO SEALED/ERASED RECORDS

Constitutional Right:

The right to information about the arrest, conviction, sentence, imprisonment or release of the accused.

The Problem:

When an offender applies for the accelerated rehabilitation pretrial program, the offenders' records are sealed and a victim cannot obtain the necessary information needed to correct identity theft matters.

The Solution:

Uphold victims' constitutional rights by amending CGS §54-56e to allow victims of identity theft to obtain a copy of the victims complaint and the law enforcement agency's report to correct erroneous information concerning the victim's identity.

What Can You Do? Call your legislators and tell them you want a Constitutional Amendment to the Crime Victims' Rights Amendment to provide enforcement

Senate Democrats	(860) 240-8600	Senate Republicans	(860) 240-8800
House Democrat Leadership	(860) 240-8500	House Republican Leadership	(860) 240-8700
House Rank and File	(860) 240-8585	House Rank and File	(860) 240-8787

Contact our office for more information: 860-550-6632

FREE VIEWING

A true, inspiring story of finding triumph over tragedy, injustice, and loss. Brooks Douglass and his sister survived a devastating crime that rocked their city and took their parents' lives. His quest for justice leads him to becoming Oklahoma's youngest state senator, and champion of important victims' rights legislation.

MIKE VOGEL TARYN M. SILAS WEIR MITCHELL

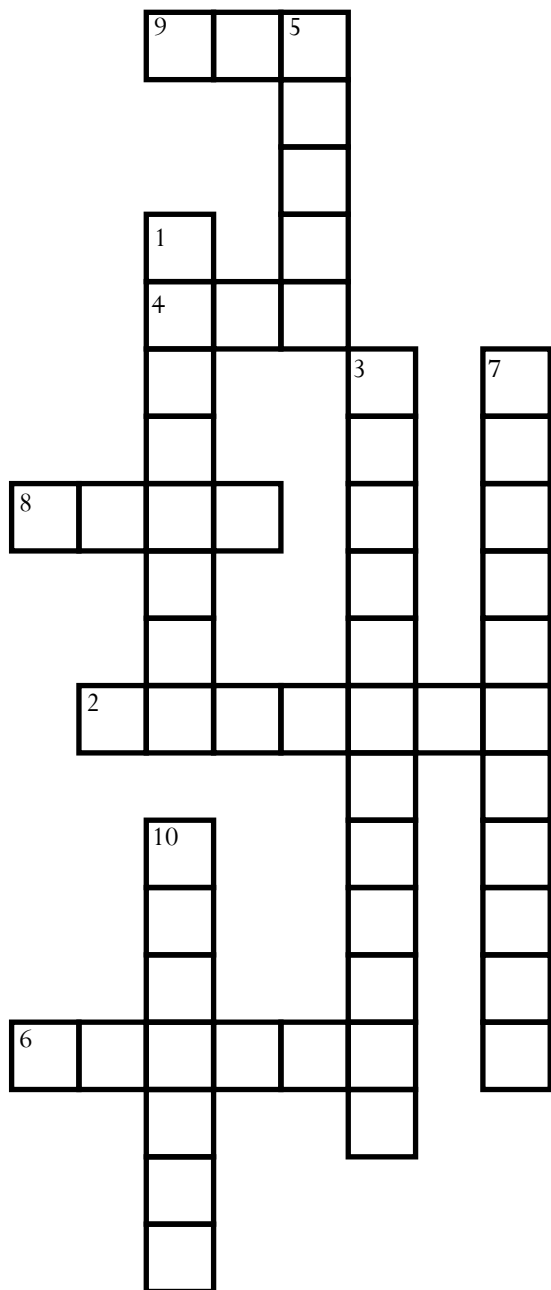
★★★★
"Strong cast brings this true story to life."
- MovieGuide.com

THE AMENDMENT

WE ARE CAPABLE OF MORE THAN WE EVER THOUGHT POSSIBLE.

January 16, 2019 - Capitol Building - Old Appropriations Room 310 - 1 p.m.
For reservations visit www.eventbrite.com/e/free-viewing-of-the-amendment-tickets-52873982505
Questions? Contact the Office of The Victim Advocate at 860-550-6632

Crossword

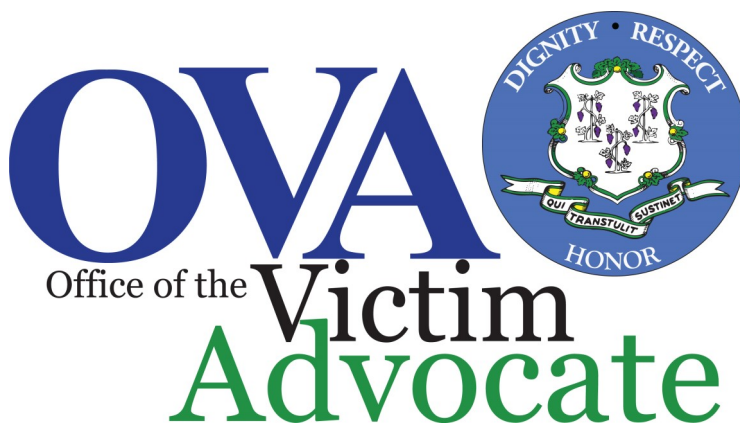


WINTER 2018 EDITION

VICTIM CENTERED

1. Formerly known as CONNSACS
2. All victims have this right of treatment
3. OVA is hosting this event
4. Agency area of focus
5. Observed annually (acronym)
6. Time for this
7. Court ordered for financial losses
8. Effective January 1st this type of arrest is no longer mandatory
9. The number of constitutional rights for victims
10. What victims expect from our system

Hint: Most of these answers can be found within the content of this newsletter.



Answer Key:
 1. Alliance; 2. Respect; 3. The Amendment;
 4. Law; 5. NCVRW; 6. Action; 7. Restitution;
 8. Dual; 9. Ten; 10. Justice